

NICKEL ET AL. -- 10/686,809
Attorney Docket: 051744-0306034

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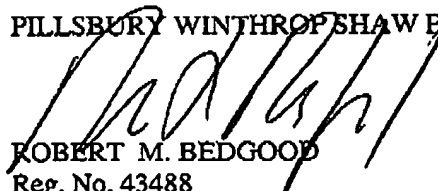
In response to the Office Action mailed June 16, 2006, in connection with the above-identified application, Applicant's further elect, with traverse, the compound of D 24851, i.e., N-(pyridine-4-yl)-[1-(4-chlorobenzyl)-indole-3-yl]glyoxylamide, namely indibulin, as the respective single species, for prosecution in the above-identified application. This election of species is readable on pending claims 14-29.

CONCLUSION

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975, Attorney Docket No. 051744-0306034. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

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I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: September 18, 2006


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(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.